

1 E-filed on 6/21/07

2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 Brian Greer,

13 Plaintiff,

14 v.

15 Safeway, Inc. and State of California,

16 Defendants.

No. C-07-01983 RMW

ORDER VACATING HEARING DATE


[Re Docket Nos. 9-14]

17
18
19 Plaintiff previously filed a complaint seeking to proceed *in forma pauperis*. On May 23,
20 2007 the court denied the application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(e)
21 and ordered that the filing fee be paid by June 25, 2007 to avoid the case being dismissed. As of the
22 date of this order, plaintiff has not paid the filing fee. On June 14, 2007 plaintiff appealed the court's
23 denial of his *in forma pauperis* action to the Ninth Circuit. *See* Docket No. 13. That same day he
24 filed a second request to proceed *in forma pauperis* and moved for temporary injunctive relief
25 requiring Safeway and the State of California each to pay him his salary prior to Safeway's
26 termination of his employment of \$705 per week, plus back pay from May 2006. In addition, he
27 moves for this court to (1) accept intra-district assignment of this case on the basis that the San
28 Francisco and Oakland divisions of the Northern District of California are biased and are under the
undue influence of defendants, (2) grant a request for change of venue to a district court in the Tenth

1 Circuit on the basis that defendants exert undue influence upon the courts in California, and (3)
2 order that plaintiff may appear at the Tenth Circuit by telephone and mail pleadings. Plaintiff seeks
3 a hearing Friday, June 22, 2007 before this court.

4 Because the court finds this matter suitable for disposition on the papers, the court vacates
5 the June 22, 2007 hearing date. The court will issue a separate order with respect to plaintiff's
6 motions.

7
8 DATED: 6/21/07



RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

1 A copy of this order was mailed on _____ to:

2 **Counsel for Plaintiff:**

3 Brian Greer (PRO SE)
4 P.O. Box 5597
5 Walnut Creek, CA 94596-1597
6 925-577-0725

6 **Counsel for Defendants:**

7 (Not yet served)

8
9 Counsel are responsible for distributing copies of this order to co-counsel, as necessary.

10 Dated: 6/21/07

SPT
Chambers of Judge Whyte

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28